IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

Bail Appl..No. 4599 of 2007()

CRIME NO.250/2007 OF MUKKOM POLICE STATION

: PETITIONERS/ACCUSED

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1. MUHAMMED M.K., S/O IMBICHI MOIDI,
   MULLUKANDI HOUSE, POTTAMMAL,
   PATHANAPURAM WEST, KEEZHUPARAMBU P.O.,
   AREEKKODE.

2. RASIYA M.K., D/O IMBICHIMOIDI,
   RESIDING -DO-

3. PATHUMMA, W/O IMBICHI MOIDI,
   RESIDING -DO-

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT/STATE

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1. THE SUB INSPECTOR OF POLICE,
   MUKKOM POLICE STATION.

2. STATE, REPRESENTED BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.4599 of 2007

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Dated this the 30th day of July, 2007

ORDER

Application for anticipatory bail. Petitioners are the husband, sister in law and mother in law of the defacto complainant. Crime was registered, inter alia, under Section 498A IPC, on the basis of the a private complaint which was referred to the Police by the learned Magistrate, under Sec.156(3) Cr.P.C, by the defacto complainant.

2. The marriage took place in 2005. One child has been born in the wedlock. The petitioners apprehend imminent arrest.

3. The learned counsel for the petitioners submits that fanciful and false allegations have been raised merely because of the strain in the matrimonial tie. It is prayed that directions under Sec.438 Cr.P.C. may be issued. The learned Public Prosecutor does not oppose the said prayer and I am satisfied that anticipatory bail can be granted to the petitioners.

4. In coming to the conclusion, I take note of the fact that there is no allegation of physical cruelty resulting in any injury. I

take note of the reality that if the petitioners were arrested and kept in custody, it would close the doors of harmonious settlement of the matrimonial disputes between the spouses. Appropriate and strict conditions can of course be imposed in the interests of a fair and efficient investigation.

5. In the result, this application is allowed. The following directions were issued under Section 438 Cr.P.C.:-

i) Petitioners shall surrender before the learned Magistrate having jurisdiction on 06.8.2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 1 p.m on 07/08/2007 and 08/08/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month. Subsequently the petitioner shall so appear as and when

directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 06/08/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 06.08.07.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE